

REMARKS

This Amendment is responsive to the Final Office Action of August 11, 2010. Reconsideration and allowance of claims 2-6, 8, 9, 11-17, and 20-25 are requested.

The Office Action

Claims 2, 3, 17, 20, and 22 stand rejected under 35 U.S.C. § 112, second paragraph.

Claims 2, 3, 17, 20, and 22 stand rejected under 35 U.S.C. § 103 over Tondra (US 6,743,639) as modified by Cruden (US 5,065,093) as further modified by Nauta (US 5,486,754).

Claims 2, 3, 17, 20, and 22 stand rejected on the grounds of non-statutory obviousness-type double-patenting over Kahlman (US 7,508,200).

Claims 4-16, 21, and 23-25 stand withdrawn from consideration.

**Statement of the Substance
of the Telephone Interview**

The applicant expresses appreciation to Examiner Lum for the kind courtesy of a Telephone Interview on September 23, 2010.

In the Telephone Interview, the applicant inquired regarding the indication of allowable subject matter in claim 8 that was made in the Office Action of November 9, 2009 and whether the Examiner would be amenable to allowing claim 8 at this point in the prosecution. The Examiner pointed out that when claim 8 was placed in independent form in the response of February 2, 2010, it did not faithfully reproduce all of the subject matter of original claim 8. The Examiner indicated that if claim 8 were amended to include all of the subject matter of original claim 8, he would look favorably on such a claim, even at this point in the prosecution. The Examiner clarified that his Primary Examiner would still need to agree.

The undersigned further inquired about amending some or all of the other claims to depend from such an amended claim 8. The Examiner suggested that the applicant may wish to consider placing the subject matter of original claim 8 into the other independent claims.

The applicant further inquired regarding the double-patenting rejection. Particularly, the applicant pointed out that the present application is the earlier-filed, senior application and the Kahlman application is the second-filed, non-copending, junior application. The undersigned asserted that because the present application was the earlier-filed application, it was entitled to have broader, generic claims. The relative speed at which two applications are processed through the US Patent Office should not affect the scope of the claims in the first-filed, senior application. The Examiner indicated that it was his opinion that the Terminal Disclaimer is still needed.

The Present Amendment

Independent claim 8 has been amended to include all of the subject matter of original claim 8. Dependent claim 10 has been cancelled. Because claim 8 was previously indicated as containing allowable subject matter, it is submitted that claim 8 and claims 9 and 12-16 dependent therefrom now distinguish patentably over the references of record.

Independent claims 2 and 6 have been amended to incorporate the subject matter of original claim 8. The claims dependent therefrom have been amended, as necessary, for consistency with the amendments to independent claims 2 and 6. Because claims 2 and 6 now include the subject matter of original claim 8 which was previously indicated as being allowable subject matter, it is submitted that claims 2 and 6 and claims 3-5, 11, 17, and 20-25 dependent therefrom are now in condition for allowance.

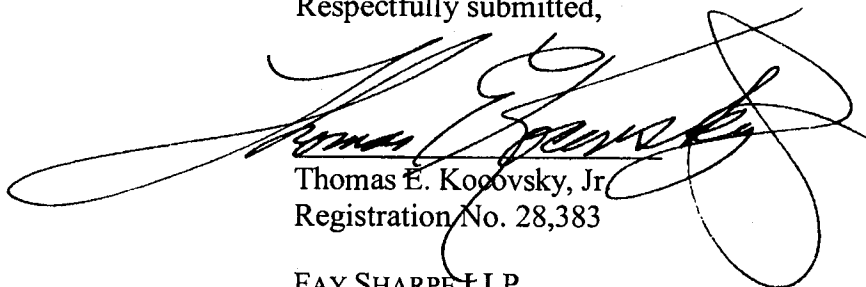
If there are any issues outstanding or not fully resolved to the Examiner's satisfaction, the Examiner is asked to telephone the undersigned to work out any remaining details by Examiner's Amendment.

CONCLUSION

For the reasons set forth above, it is submitted that claims 2-6, 8, 9, 11-17 and 20-25 are now in condition for allowance. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Thomas Kocovsky at 216.363.9000.

Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read "Thomas E. Kocovsky, Jr.", is written over the typed name and registration number.

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